

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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CHAD ANDREW STITES,

Petitioner,

OPINION AND ORDER

v.

16-cv-155-slc

SARAH WESCOTT, DOC Supervisor, and  
JOSH CHAMPION, DOC Agent,

Respondents.

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Petitioner Chad A. Stites filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 and paid the \$5 filing fee. The parties recently consented to magistrate judge jurisdiction, and on May 18, 2016, this case was reassigned to me. Dkt. #5. Unfortunately, Stites' petition must be dismissed because this court is not authorized to consider it.

In the petition, Stites alleges that he was not given proper sentence credit for the time he served on Dane County Circuit Court case no. 06CF641; but Stites' allegedly miscalculated sentences was already the subject of an earlier petition, which was dismissed by this court under the doctrine of procedural default in case number 15-cv-506-wmc. This makes Stites' instant petition a "second or successive habeas corpus application under section 2254." 28 U.S.C. § 2244(b); *Harris v. Cotton*, 296 F.3d 578, 579 (7th Cir. 2002).

In order to file a second application, Stites must first seek and obtain permission to do so from the Seventh Circuit Court of Appeals. *Id.* Because Stites has not done so, his petition must be dismissed.

ORDER

IT IS ORDERED that Chad Stites' petition for a writ of habeas corpus is DISMISSED pursuant to 28 U.S.C. § 2244(b) as a second or successive petition for which petitioner has failed to obtain permission from the Court of Appeals for the Seventh Circuit.

Entered this 1<sup>st</sup> day of June, 2016.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge